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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 609,016	06 30 2000	Franco X. Milani	3248	2127

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EXAMINER

WEINSTEIN, STEVEN L

ART UNIT	PAPER NUMBER
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1761

15

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO. 09/609,016	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER S. Weinstein

ART UNIT 1761	PAPER NO. 15
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DATE MAILED

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Commissioner of Patents and Trademarks

The amendment filed November 7, 2002, Paper No. 14 is not fully responsive to the prior Office Action mailed 8/2/02, Paper No. 13. Applicants must respond to every ground of rejection. The first ground of rejection under 35 USC 103 was the rejection of claims 1, 3-5, etc. as being unpatentable over Ahad ('346) in view of Brna et al ('457) or vice versa; i.e. Brna et al in view of Adah, both further in view of additional references. The response filed November 7, 2002 does not appear to address the combination using Brna et al to modify Ahad nor does the response address the combination employing Brna et al as the primary reference. In fact, it appears that Brna et al is only discussed in regard to claim 6.

To expedite prosecution, several observations are noted for applicants' consideration. The response does not indicate where in the specification, support can be found for use of a vertical form and fill machine. Also, it does not appear that any of the claims actually recite that the different food items are in physical contact with each other. Depending on the shape of the products, one could provide edible or inedible interleaving films. Also, it is not clear how "different" food items are being defined. A cherry flavored cheese product would be "different" from a chocolate flavored cheese product. Further, it is noted that after further review of the specification, it would appear that that the real unexpected result disclosed by applicants is the addition of corn

Syrup after substantial mixing of gellable products occur. Yet, not only is this step not found in most of the claims, many of the claims do not even recite a gellable product. Instead, many of the claims emphasize what appears to be conventional process equipment whose use appears to be conventional. The specification does not appear to be disclosing unexpected results from using this equipment.

Since the amendment appears to be a bona fide attempt to reply, applicants are given a TIME PERIOD OF ONE (1) MONTH) or THIRTYI (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication from the examiner should be directed to Steven Weinstein whose telephone number is (703) 308-0650. The examiner can generally be reached on Monday-Friday from 7:00 a.m. to 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703) 308-3959. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

S. Weinstein/dh

March 6, 2003

Steve Weinstein
STEVE WEINSTEIN
PRIMARY EXAMINER
dh